

CENTRAL MINNESOTA LEGAL SERVICES, INC.  
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2013 ANNUAL PRIVATE BAR INVOLVEMENT PLAN  
Revised 12/2012

I. Introduction

The Central Minnesota Legal Services (CMLS) Private Bar Involvement (PBI) Program has four main components. CMLS operates a Volunteer Attorney Program out of its local offices in St. Cloud and Willmar. This program serves 19 of the 21 counties in the CMLS service area. In Minneapolis, CMLS contracts with the Hennepin County Volunteer Lawyers Network to expand its private bar program. CMLS also contracts with the Minnesota State Bar Association to coordinate statewide pro bono efforts, and with the Minnesota Legal Services Coalition (MLSC) to train volunteer attorneys to deliver legal services. Together, with our direct service program, these components provide a comprehensive dual delivery system where private bar efforts complement the direct services program.

II. Central Minnesota Legal Services Volunteer Attorney Program

The Central Minnesota Legal Services Volunteer Attorney Program began operating in January 1983 and is designed to complement the legal assistance provided to low-income clients by the St. Cloud and Willmar offices. This program serves nineteen Central Minnesota counties. Under the policies and procedures of the program, CMLS is responsible for administering the program, screening potential clients, referring cases to volunteer attorneys, and providing training and back-up support to volunteer attorneys on poverty law issues.

There are two advisory boards, one for the western eleven counties and one for the eight counties in the St. Cloud area. These boards meet periodically to review the operation of the program; advise about issues which arise, such as the establishment of case priorities; assist with recruitment; provide feedback from volunteer attorneys, local community groups and judges within the area; and suggest ways in which the program can be improved. The members of the boards consist of local private attorneys and judges.

A. Staffing

The Volunteer Attorney Program is managed by the CMLS executive director and the managing attorney of the St. Cloud and Willmar offices. Staff includes two local coordinators, one in Willmar and one in St. Cloud. The coordinators conduct intake, do case referrals, and provide staff support for volunteer opportunities such as community education and limited representation clinics. College and paralegal student interns, work study students, and volunteers also assist in the daily tasks of the Volunteer Attorney Program in both offices. Local planning meetings are held regularly with the staff, the managing attorney and the executive director. An operations manual, which includes the policies and procedures, form letters, administrative

materials, case-tracking information, and other materials pertaining to the day-to-day operation of the program, is available to the local coordinators.

## B. Program Operation

### 1. Case Screening

All low-income people in the service area are encouraged to contact their local legal services office if they need legal assistance. If the legal services offices are not able to accept the case and the case is within the VAP case guidelines, the potential client is referred to the local VAP coordinator. The local coordinator screens the potential client for financial eligibility and, if the client is eligible, conducts an initial interview.

There are toll-free telephone lines in the St. Cloud and Willmar legal services offices to increase the access of clients to the legal assistance available under the program. Most of the screening of VAP clients is done over the phone, and clients found eligible for the program are generally referred to attorneys who practice in the county where the case is venued. The 2011 PBI budget includes funds for the cost of the toll-free lines. VAP attorneys also use the toll-free lines to call local offices for back-up and support.

### 2. Case Referral

Volunteer attorneys are asked at the time they sign up for the program to indicate the types of cases they are interested in handling under the program. They are also asked to list their areas of expertise. Unless they indicate otherwise when they sign up, they are asked to handle only cases venued in the county where their offices are located. The coordinators utilize a rotation schedule to try to make referrals in as equitable a manner as possible. Included on the rotation schedule is a record of the amount of time each attorney has devoted to cases closed under the program; that is taken into account in making future referrals.

The local coordinators refer cases by phone and e-mail to the volunteer attorneys. When an attorney agrees to accept a referral, the coordinator sends a letter to the client asking them to contact the volunteer attorney within 30 days to schedule an appointment, or immediately if the situation is urgent. The volunteer attorney receives a referral letter along with the program's Representation Agreement and a Case Closing Sheet. When the attorney meets the client, both the attorney and client sign the Representation Agreement. The client is given one copy, one is mailed back to the local coordinator, and one copy is retained in the attorney file.

When an attorney is ready to close a VAP case, he or she completes the Case Closing Sheet, which includes the total time devoted to the case, a brief description of the type of work done on the case, and the outcome of the case. The local VAP coordinators also review the Case Closing Sheet and complete the coordinator portion. If the attorney incurred mileage, copying or

long-distance telephone expenses, they are also included on the Case Closing Sheet. The 2011 PBI budget includes funds for reimbursement of travel, copying, telephone, interpreter, translation expenses, and litigation expenses. Other litigation expenses may be reimbursed if the volunteer attorney obtains prior approval from the Managing Attorney or Executive Director.

### 3. Case Oversight and Follow-Up Procedures

#### a. Non-Conflict Cases

After the case has been opened, the local coordinators monitor the status of the cases through the CMLS case management system and tickler system for reviewing files. The first due date is usually about 30 days from the date of referral because the attorney and client Representation Agreement form is due then. If a citizen and alien eligibility declaration has not been completed, in non-emergency cases the case will not be referred until it is received. If the case is an emergency, the LSC Log of Emergency Matters will be completed by the coordinator before the case is referred. Coordinators also make sure the volunteer attorneys document citizenship if citizenship documentation has not been obtained by the coordinator. If there is a procedural deadline the coordinator is aware of, the first due date is prior to that deadline. Once the Representation Agreement and Citizenship acknowledgment forms are returned, the coordinator documents that and puts a copy of it in the client's file. If the Representation Agreement is not returned within two months of the date of referral the coordinator contacts the attorney by phone, e-mail or letter.

The VAP attorney is contacted every three to four months to check the status of the file and to determine whether back-up support would be useful. The frequency of attorney contacts depends upon the type of case referred. All contacts with the client or attorney are recorded.

When the Case Closing Sheet is returned, the coordinator sends a Client Satisfaction Survey to the client and a thank you letter to the attorney.

If there are any complaints by the client while the case is in progress or on the Client Satisfaction Survey, the local coordinator contacts the managing attorney and follow-up is done.

#### b. Conflict Cases

After it has been explained to the client that the case presents a conflict of interest for the legal services office and that he or she can be screened by the local coordinator or a VAP attorney, the client is screened and referred to a VAP attorney if eligible.

If the case is referred, the local coordinator contacts the VAP attorney only to make sure that the attorney has accepted the case. No contact is made with the client after the initial referral. If a procedural deadline is involved, the first due date for case tracking is about a week

prior to that deadline is involved, the first due date marked on the case tracking care is about a week prior to that deadline, at which time the coordinator contacts the VAP attorney to find out if he/she accepted the case. If the Acknowledgment form has been returned indicating acceptance of the case, no further contact with the attorney is made. Case closing procedures are similar to those used in non-conflict cases.

#### 4. Service Models other than Full Representation Cases

In recognition that all volunteers are not interested in donating their time through full representation cases or in family law matters, the Volunteer Attorney Program has several longstanding projects that offer volunteers different opportunities yet still provide substantial benefit to clients. In the St. Cloud office, a monthly lunch hour Debt Clinic provides clients with a face-to-face meeting with attorneys who assist them in asserting their rights under the Fair Debt Collection Practices Act and other statutes that protect debtors from harassing behavior from collectors. This opportunity was developed through a partnership with the MSBA's Bankruptcy Law section. In addition, the St. Cloud office has developed a bankruptcy referral process where paralegal interns and work study students provide extensive case development so that the bankruptcy file has met the new requirements of the Bankruptcy Act, including credit counseling, before the case is referred to the volunteer attorney.

The St. Cloud office, through a partnership with the local Stearns/Benton Bar Association and the Stearns District court has a successful family law mediation project where attorneys donate their services as mediators in cases where mediation is mandated by the court. The party not eligible for *in forma pauperis* status will usually pay a fee directly to the mediator. The Willmar office has a similar volunteer mediation referral program.

The Willmar office, through collaboration with Renville and Kandiyohi human services and local hospice providers, has a Life Choices Project where attorneys donate their time to counsel and advise clients on end of life decisions, and draft simple wills if required. The St. Cloud office also has a Life Choices Project.

Sherburne County Legal Advice Clinic - CMLS, in partnership with the Sherburne County Law Library and volunteer attorneys, sponsors a free onsite Legal Advice Clinic at the Sherburne County Government Center. From 12:00 to 1:00 p.m. twice a month.

Wright County Legal Advice Clinic- CMLS, in partnership with the Wright County Law Library, and volunteer attorneys, sponsors a free onsite Legal Advice Clinic weekly from 12:00 to 1:00 p.m.

Stearns County Legal Advice Clinic – CMLS in partnership with volunteer attorneys from the law firm of Quinlivan & Hughes, sponsors a free Legal Advice Clinic monthly from 12:00- 1:00 p.m. at the St. Cloud Public Library.

St. Cloud Veterans' Legal Advice Clinic – CMLS in partnership with the St. Cloud VA Hospital continues to host a legal advice clinic twice a month from 12:00- 2:00 p.m. at the St. Cloud VA Hospital to provide advice to veterans on various legal issues. We have also partnered with Minnesota Assistance Council to Veterans (MAC-V) to have drop-in legal clinics every quarter or so. These clinics are staffed by volunteer attorneys and staff attorneys, as needed.

Montevideo VA Medical Center Legal Advice Clinic – CMLS in partnership with the Montevideo VA Medical Center began a legal advice clinic in the Spring of 2012 once a month from 12:00 to 2:00 p.m. at the Montevideo VA Medical Center. There are several volunteer attorneys who staff this clinic and phone advice is provided, as necessary.

Minnesota Justice Foundation (MJF) Assisted Pro Se Clinics – CMLS partners with MJF to have assisted pro se clinics. Currently the clinics are for dissolution cases, but we are looking at expanding this program to other areas of law. These clinics are scheduled when coordinators see that there are enough appropriate referrals to be made from cases waiting for volunteer placement. The clinics are normally hosted at a volunteer attorney's offices where they provide advice and direction.

#### 5. Newsletter

CMLS distributes periodic newsletters to interested persons in its service area including volunteer attorneys. The newsletters include case statistics, announcements of CLE seminars offered by the program, a list of substantive law materials which are available, recognition of volunteer attorneys, and successful client stories.

#### 6. Continuing Legal Education Seminars

The Volunteer Attorney Program is committed to increasing the availability of Community Legal Education (CLE) seminars on poverty law issues in locations that are more accessible to volunteer attorneys. Annually, CMLS holds at least two CLE's in various central Minnesota locations. These CLE's are free of charge to volunteers and utilize local practitioners, as well as legal services attorneys as presenters. CMLS plans to provide opportunities for volunteer attorneys to gain CLE credit in various areas of poverty law through Minnesota Legal Services State Support at a staff rate. CMLS also continues to make volunteers aware of free or reduced-cost CLEs from MVAP.

#### 7. Recognition

CMLS recognizes the importance of showing appreciation for the work of the attorneys who participate in the Volunteer Attorney Program. CMLS presents plaques at district bar conventions to volunteer attorneys throughout the service area who had outstanding records of service to low-income clients. CMLS also nominates outstanding volunteers for the judicial

district pro bono awards given by the Minnesota State Bar Association and other pro bono awards as applicable.

Attorneys who have done significant volunteer work are awarded scholarships to continuing legal education seminars sponsored by the Minnesota State Bar Association. In the last year, the bar association has expanded the number of scholarships and types of continuing education seminars that are available to volunteers, and volunteers have been very appreciative of this form of recognition. CMLS has provided longtime volunteers with small recognition gifts for attorneys who have volunteered for 15 or more years.

C. Review of Statistics

The Volunteer Attorney Program Statistics are attached to this report.

D. Priorities

The priorities for the St. Cloud and Willmar areas are attached to this report.

E. New Projects

The Volunteer Attorney Program applied for and received funds for two years to start a pilot project using attorney contracts to reach underserved counties in the CMLS service area. The contract work will focus on family law but responsibilities will also include work in other areas depending upon the needs of our clients. The initial effort focused on reaching Big Stone, Lac Qui Parle, Lincoln, Meeker, Swift and Yellow Medicine Counties. The goal is to provide more service to counties that are a long distance from a CMLS office. This effort has now been expanded to Todd and Morrison Counties. There are a total of nine attorneys on the contract roster. CMLS will report back to the Legal Services Advisory Committee which is funding the project.

III. Anoka County

CMLS began delivering civil legal services in Anoka County in 2005. Judicare of Anoka County, now an independent program, received a demonstration grant from LSC to provide civil legal services through a Judicare delivery model for 30 years. Under this model, lawyers on the Judicare panel agree to represent low income clients at a reduced rate paid by Judicare of Anoka County.

CMLS is now delivering services to Anoka County through a staff delivery model. It has established a twice-monthly Self-Help Clinic for pro se family law litigants through collaboration with staff and the Anoka County District Court Administrator and the Anoka County Law

Library. CMLS is recruiting private attorneys to provide advice and brief service to pro se litigants on a pro bono basis as part of this project.

#### IV. Hennepin County Private Bar Involvement

##### Hennepin County Volunteer Lawyers Network (VLN)

CMLS contracts with the Hennepin County Volunteer Lawyers Network to continue to expand the involvement of volunteer attorneys in the delivery of civil legal services to eligible clients consistent with the Legal Services Corporation Act and regulations. The 2011 CMLS PBI budget includes \$13,968 to be paid to VLN for the salary and employee benefits of an intake worker so that other VLN staff are able to concentrate additional efforts on the recruitment of volunteer attorneys. VLN also agrees to provide civil legal services to eligible clients at a level of at least 340 cases under the contract.

#### V. Minnesota State Bar Association

CMLS contracts with the Minnesota State Bar Association to provide assistance in developing training materials, state-wide coordination of volunteer attorney efforts, and promotion of VAP participation. The MSBA's Access to Justice Director is responsible for distributing the materials to volunteer attorneys. Much of materials for volunteer attorneys are now distributed by e-mail and through the Minnesota Legal Services Coalition website, ProjusticeMn.org. The Access to Justice Director also acts as liaison among the district bar associations and local volunteer attorney programs and helps with recruitment. Meetings of local coordinators from all of the programs in the state are held periodically and coordinated by MSBA staff to ensure that the various programs are sharing information and working cooperatively.

#### VI. Minnesota Legal Services State Support

CMLS contracts with the Minnesota Legal Services State Support to provide training and educational materials to assist in the delivery of a broad range of civil legal services by private attorneys to low-income persons. Volunteer Attorney Program volunteers are ensured access to family law, housing, and social security training events. Volunteer attorneys also receive copies of a MLSSS newsletter by e-mail which reports, among other items, relevant case developments and notices of training events and available educational materials. State Support maintains an electronic resource library on State Support's website, ProJusticeMN that contains substantive resources for volunteer attorneys.

#### VII. Financial Systems and Practices

PAI expenses are separate and direct rather than calculated as percentages or allocations

of other program costs. No indirect costs are charged to the private bar program. Under the CMLS fund accounting system, all PAI expenses are identified on invoices and time cards as to be charged to the PAI fund account number. Finally, the private attorneys who take cases from the program do so as volunteers and are not paid for their services, which are appreciated both by the program and by the clients they represent.

#### VIII. Conclusions

The Central Minnesota Legal Services (CMLS) staff delivery program and Private Bar Involvement Program (PBI) described in this document form a comprehensive delivery system of legal services to low-income people in the CMLS service area.